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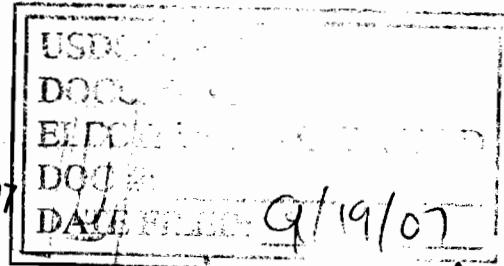
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September 18, 2007

Via Facsimile Transmission – (212) 805-7942

Hon. Alvin K. Hellerstein
 United States Courthouse
 500 Pearl Street
 New York, New York 10007

Re: Charney, et al. v. Zimbalist, et al.
Case No.: 07 CIV 6272

Dear Judge Hellerstein:

Our firm represents the plaintiffs in the above-referenced action. I am writing to request an adjournment of the Case Management and Scheduling Conference currently scheduled for **October 19, 2007**, at **9:30 am**. No previous requests for an adjournment have been made in this matter.

This action is one in which the plaintiffs – thirty (30) in all – seek to recover for, among other things, securities fraud, breach of fiduciary duty, and common law fraud. To date, defendants Carla Zimbalist and Pam Chanla have failed to appear or otherwise respond to the plaintiffs' complaint. Nixon Peabody, LLP, has appeared on behalf of defendant Ameriprise Financial, and Smith Campbell, LLP, has appeared on behalf of defendants Jennifer S. Wilkov and Evolutionary Strategic Planning. Presently, there is a motion by defendants Jennifer S. Wilkov and Evolutionary Strategic Planning seeking a stay of this action pending the outcome of the criminal action against Ms. Wilkov in New York State court.

The plaintiffs and defendant Ameriprise Financial have, and are now, engaging in preliminary discussions addressing settlement and preliminary discovery. Ameriprise Financial is also prepared to file a motion to Dismiss which would stay discovery. In light of the number of parties, the volume of documents, and the possible complexity of this litigation, drafting a Case Management Plan involves a significant investment of time and financial resources. If

*The conf. is adjourned
 To Nov. 30, 2007,
 9:30 a.m.
 9/18/07*

Alvin Hellerstein

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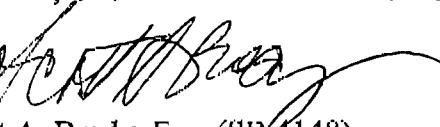
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these discussions can resolve or limit the issues to be addressed in the Case Management Plan, this would greatly reduce the burden of litigation on all parties, as well as the court. Accordingly, the plaintiffs request that the Case Scheduling Conference in this matter be adjourned.

The attorneys for Ameriprise Financial and Jennifer S. Wilkov and Evolutionary Strategic Planning have consented to this application. A copy of this letter had been sent to counsel for comment before sending it to your Honor.

Very Truly Yours,

BRODY, O'CONNOR & O'CONNOR, ESQS.



Scott A. Brody, Esq. (SD 4148)

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Smith Campbell, LLP
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